IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MADHI COLLINS, : No. 3:24cv1571

Plaintiff : (Judge Munley)

Defendants

CORRECTIONAL OFFICER KINER, et al..

V.

11.,

ORDER

AND NOW, to wit, this day of May 2025, for the reasons set forth in an accompanying memorandum, it is hereby ORDERED that:

- Defendants' motion to partially dismiss the amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), (Doc. 32), is GRANTED in part and DENIED in part.
- The First Amendment retaliation claim against all named defendants for discarding the plaintiff's grievance is **DISMISSED**.
- The First Amendment retaliation claim against Defendant Kiner for the alleged fabrication of a misconduct is DISMISSED.
- The Eighth Amendment excessive force claim against Defendants Schaeffer, Snyder, and Usher is **DISMISSED**.
- This action SHALL PROCEED on the Eighth Amendment failure to intervene claim against Defendants Schaeffer, Snyder, and Usher and the Eighth Amendment excessive force claim against Defendant Kiner.

- 6. Discovery shall be completed on or before July 28, 2025. In accordance with Local Rule of Court 5.4(b), the parties shall refrain from filing discovery requests with the court.
- 7. On or before August 12, 2025, the parties shall NOTIFY the court of whether they are amenable to mediation.
- On or before August 12, 2025, the parties shall NOTIFY the court of 8. their willingness to consent to the jurisdiction of a United States Magistrate Judge. See 28 U.S.C. § 636(c).
- Dispositive motions shall be filed on or before August 27, 2025. 9.
- No extensions of the pre-trial schedule shall be granted absent good 10. cause. See FED. R. CIV. P. 16(b).
- Any motions or briefs filed after the expiration of the applicable 11. deadline, without prior leave of court, shall be stricken from the record.
- The scheduling of a final pre-trial conference and the trial date of this 12. matter is deferred pending disposition of dispositive motions.
- Any appeal from this order is **DEEMED** frivolous and not taken in 13. good faith. See 28 U.S.C. § 1915(a)(3).

BY THE COURT:

JUDGE JULIA K. MUNLEY United States District Court